

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 660 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

G S BALDVA

Versus

STATE OF GUJARAT

Mr. A. D. Shah, advocate for the petitioner.
Mr. M.A. Bukhari, A.P.P. for respondent No.1.
Mr. R.C. Jani for respondent No.2.

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 23/09/97

ORAL JUDGEMENT

Rule. Mr. M.A. Bukhari, learned A.P.P. waives service of rule on behalf of respondent No.1 and Mr. R.C. Jani waives service on behalf of respondent No.2.

The award that has been declared is acted upon and complied with. In compliance with the award, cheques are handed over by he respondent No.2 to the petitioner and

in view of this nothing now survives in the matter.

The aforesaid award and its implementation reinforce the say of the petitioner/accused that the matter between the respondent No.2- complainant and the petitioner was essentially arising out of a commercial transaction and, therefore, a dispute of civil nature. This assertion is not required to be inquired into any further on account of the award and its implementation and the matter thus having been resolved finally between the parties to their respective satisfaction, the complaint filed by the opponent No.2 with learned Judicial magistrate, First Class, Prantij being Inquiry Case No.27 of 1997 is quashed and set aside and the orders passed below are set aside. Rule is made absolute.

(ers)